

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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Michael Argentieri, *Pro Se*,

Plaintiff,

v.

Civil Action No. 1:20-cv-00806

Hon. Lawrence J. Vilardo

Town of Evans (Municipality);  
Town of Evans Supervisor Mary Hosler;  
Town of Evans Director of Planning and Development  
and Agricultural Board Ex-Officio Will Smith (Bill);  
Town of Evans Councilwoman Jeane Macko;  
Town of Evans Councilman & Agricultural Board  
Liaison Mike Schraft;  
Jeneen Hill Code Enforcement & Agricultural Board  
Ex-Officio;  
Vicky Kurek, Agricultural Board Member, Individually  
and in their Official Capacities,

Defendants.

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**NOTICE OF MOTION TO DISMISS**

Nature of Action: Alleged civil rights violations under 42 U.S.C. § 1983.

Moving Party: Defendants.

Directed To: Plaintiff.

Date and Time: To be set by the Court.

Place: United States District Court for the Western District of New York, Robert H. Jackson Courthouse, 2 Niagara Square, Buffalo, New York 14202.

Supporting Papers: Declaration of Henry A. Zomerfeld, Esq., dated September 22, 2022, with exhibits; and Memorandum of Law, dated September 22, 2022.

Answering Papers: Pursuant to Local Rule of Civil Procedure 7(b)(2)(B), absent an order from the Court, Plaintiff has fourteen (14) days after service of the motion to file and serve responding papers, and Defendants shall have seven (7) days after service of the responding papers to file and serve reply papers. Defendants intend to file a reply.

Relief Requested: An order granting the Defendants' motion to dismiss Plaintiff's Complaint for lack of subject matter jurisdiction and for failure to state a claim, and upon the dismissal of the Complaint, a grant of attorneys' fees, costs, and disbursements, along with such other and further relief as is just and proper.

Grounds for Relief: Federal Rules of Civil Procedure Rule 12(b)(6), 42 U.S.C. § 1988, and case law.

Oral Argument: Requested.

DATED: September 22, 2022  
Buffalo, New York

**HODGSON RUSS LLP**  
*Attorneys for Defendants*

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